

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

ULTIMINIO HERNANDEZ-GUTIERREZ,)	
Institutional ID No. 36736-359,)	
)	
Plaintiff,)	
)	
V.)	CIVIL ACTION NO.
)	5:13-CV-021-C
GILES W. DALBY CORRECTIONAL)	ECF
FACILITY, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Plaintiff, proceeding *pro se* and *in forma pauperis*, filed a civil rights complaint on February 5, 2013. By Order dated February 19, 2013, this case was transferred to the docket of United States Magistrate Judge Nancy M. Koenig for screening pursuant to 28 U.S.C. §§ 1915 and 1915A. The United States Magistrate Judge entered a Report and Recommendation on March 27, 2013. No objections have been filed.

The Court accepts and adopts the findings, conclusions, and recommendation of the Magistrate Judge.

It is, therefore, ORDERED:

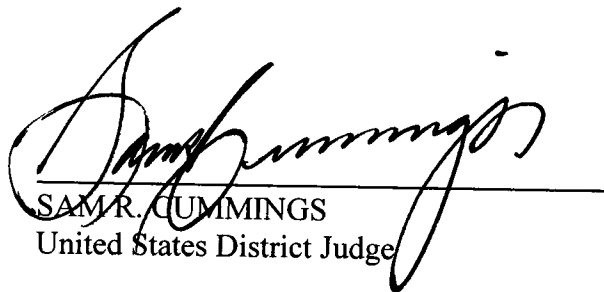
(1) Plaintiff's complaint and all claims alleged therein are dismissed without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

(2) Any pending motions are denied.

Plaintiff is admonished that if he re-files his civil rights complaint, he must either pay the full filing fee of \$350.00 or file an application to proceed *in forma pauperis* and a certificate of his inmate trust account.

Judgment shall be entered accordingly.

Dated May 6, 2013.



SAM R. CUMMINGS
United States District Judge